



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
WASHINGTON, DC 20380-0001

MCO 3800.2A  
IG  
5 Mar 93

MARINE CORPS ORDER 3800.2A

From: Commandant of the Marine Corps  
To: Distribution List

Subj: CONDUCT AND OVERSIGHT OF INTELLIGENCE ACTIVITIES

Ref: (a) SECNAVINST 3820.3D  
(b) MCO 5040.6E

Encl: (1) Definitions  
(2) Procedures for Reporting Questionable Activities  
(3) Sample Quarterly Intelligence Oversight Report

Reports Required: I. Consolidated Intelligence Oversight Report (Report Control Symbol EXEMPT), par. 7d(5)  
II. Consolidated Listing of Intelligence Components, Sections, Elements and Teams (Report Control Symbol EXEMPT), par. 7d(6)  
III. Consolidated Intelligence Oversight Inspection Schedule (Report Control Symbol EXEMPT), par. 7d(7)

1. Purpose. To establish procedures and responsibilities for the conduct and oversight of intelligence activities within the Marine Corps.

2. Cancellation. MCO 3800.2.

3. Background. Reference (a) confirms the authority and responsibility of the Secretary of the Navy (SecNav) for oversight of Navy and Marine Corps intelligence activities and issues intelligence oversight policies and procedures.

4. Naval Intelligence Oversight Review Board (NIORB). The NIORB, which meets quarterly or as required, is responsible for the review of DON intelligence activities and programs. It oversees compliance with standards established by statutes, reference (a), and other applicable directives. The Naval Inspector General (NAVINSGEN) is the chairman of this board. The Deputy Naval Inspector General for Marine Corps Matters/Inspector General of the Marine Corps (DNIGMC/IGMC) is a participant during the entire NIORB. The Counsel for the Commandant (CL), and the Staff Judge Advocate (JA) to the Commandant participate in that specific portion of the NIORB when Marine Corps matters are under review.

5. Headquarters Marine Corps Intelligence Oversight Review Board (HOMC IORB). The HQMC IORB is convened by the Assistant Commandant of the Marine Corps (ACMC) quarterly, or as required, to review and discuss intelligence and

counterintelligence oversight matters. The members of the board are the ACMC whom presides as the Chairman, the DNIGMC/IGMC as the Vice Chairman, the Director of Intelligence, the Staff Judge Advocate to the Commandant, and the Counsel for the Commandant.

## 6. Policy

a. The conduct of Marine Corps intelligence activities and the collection, retention, and dissemination of information concerning U.S. persons will be governed by the requirements set forth in reference (a) and this Order. For the purpose of this Order, enclosure (1) provides applicable definitions.

b. Marine Corps intelligence components shall carry out their authorized functions in a manner that protects the constitutional rights and privacy of U.S. persons, and shall not request any person or entity to undertake unauthorized activities.

c. The use of collection techniques authorized by enclosure (2) of reference (a) will be limited to those necessary to perform assigned functions. The least intrusive means of collection will always be the preferred method of collection.

d. Marine Corps intelligence components will not conduct or provide support for the conduct of special activities, except in times of war declared by the Congress, or during a period covered by a report from the President to the Congress under the War Powers Resolution (50 U.S.C. 1541-1548) unless such actions have been approved by the President and directed by the Secretary of Defense.

e. Commanders will ensure that no adverse or retaliatory action is taken against any Marine or civilian employee who reports questionable activities.

f. Reference (a) and this Order constitute and shall apply as general regulatory orders. A violation of their provisions is punishable under the Uniform Code of Military Justice for military personnel and is the basis for appropriate administrative disciplinary procedures for civilian employees.

g. This Order does not apply to law enforcement activities conducted by Marine Corps commands.

7. Action

a. DNIGMC/IGMC will:

(1) Publish an inspection checklist and inspect, or cause to have inspected, all Marine Corps intelligence components to ensure compliance with references (a), (b), and this Order.

(2) Investigate and report to NAVINSGEN any reports of questionable activities conducted by or on behalf of Marine Corps intelligence components.

(3) Determine the reason for the failure to report questionable activities and recommend corrective action.

(4) Refer reports of questionable activities or legal issues to the HQMC IORB or members thereof, as appropriate.

(5) Receive consolidated Marine Corps Quarterly Intelligence Oversight Reports, Annual Listing of Marine Corps Intelligence Components Reports, and the Annual Intelligence Oversight Inspection Schedules from the Major Subordinate Commands (MSC's) and submit them to the NAVINSGEN as required by reference (a).

(6) When required, schedule and prepare the agenda for the HQMC IORB in coordination with Director, Intelligence Division (C4I (CIN)). The DNIGMC/IGMC will chair the meeting in the absence of the ACMC.

(7) Attend the quarterly NIORB.

(8) On a tri-annual basis, consolidate comments concerning intelligence oversight issues from CMC (C4I (CIN)), CL, JA and Plans, Policies, and Operations (Special Operations Low Intensity Conflict (SOLIC)) and provide information updates to the MSC's.

b. The Counsel for the Commandant and the Staff Judge Advocate to the Commandant will jointly:

(1) Determine whether activities conducted by Marine Corps intelligence components are legal and consistent with applicable policies.

(2) Refer all reports of questionable activities conducted by or on behalf of Marine Corps intelligence components to the DNIGMC/IGMC for investigation. Provide legal assistance and advice in the conduct of such investigations.

(3) Attend the HQMC IORB and that portion of the quarterly NIOB that pertains to the review of Marine Corps matters.

c. Assistant Chief of Staff, C4I:

(1) Provide close liaison with the DNIGMC/IGMC for all intelligence oversight matters.

(2) Refer all reports of questionable activities conducted by or on behalf of Marine Corps intelligence components to the DNIGMC/IGMC for investigation. Provide assistance and technical expertise in the conduct of such investigations.

(3) Provide necessary updates to ensure the DNIGMC/IGMC is kept fully aware of and current on all Marine Corps intelligence components, all intelligence and counterintelligence operations conducted by any organization, staff, or office.

(4) In coordination with the DNIGMC/IGMC, refer all questions pertaining to the legality of planned intelligence activities to the HQMC IORB or members thereof, as appropriate, for review prior to initiation of such activities.

(5) Ensure that appropriate legal and oversight officials are properly cleared and granted access to all information required to properly perform their intelligence oversight functions.

(6) Provide technical assistance and augmentation personnel during the preparation and execution of intelligence oversight inspections/evaluations.

(7) In coordination with the DNIGMC/IGMC, schedule, prepare and attend HQMC IORB meetings.

d. CMC (C4I) and the MSC's consisting of COMMARFORLANT, COMMARFORPAC, COMMARRESFOR, and COMMARCORLOGBASES, ALBANY, will:

(1) Monitor intelligence components compliance with the provisions of reference (a), this Order, and other applicable directives. The MSC's will also emphasize intelligence training and reporting procedures.

(2) Report all questionable activities conducted by or on behalf of subordinate intelligence components to the DNIGMC/IGMC. (Enclosure (2) pertains.)

(3) Inspect ashore intelligence components every 18 months and afloat activities every 24 months.

(4) Ensure intelligence oversight training of all employees (military and civilian, operational and support) is conducted and documented on at least an annual basis.

(5) Submit not later than the 5th of October, January, April, and July the consolidated Quarterly Intelligence Oversight Report to the DNIGMC/IGMC per reference (a). (Enclosure (3) is provided as an example.)

(6) Report annually to the DNIGMC/IGMC by 10 September a consolidated listing of all intelligence components, sections, elements, and teams under their operational or administrative control.

(7) Report annually to the DNIGMC/IGMC by 10 September, and update as needed, the consolidated intelligence oversight inspection schedule.

(8) Ensure appropriate procedures are established to facilitate the requirements to report questionable activities and coordinate these procedures with the local staff judge advocate's office.

8. Summary of Revision. This revision clarifies and emphasizes certain MSC's as being responsible for the gathering and monitoring of the required reports. This revision also provides definitions at enclosure (1) giving commands a device where they can duplicate/reproduce enclosure (1) and readily disseminate information as a "quick reference" to bulletin boards, read boards, etc. Lastly, this revision directs the DNIGMC/IGMC to consolidate comments from CMC (C4I (INT), CL, JA and PP&O (SOLIC)) on a tri-annual basis and provide information updates to the MSC's.

9. Reports. Reports required by this Order are exempt from reports control and require no report symbols.

10. Reserve Applicability. This Order is applicable to the Marine Corps Reserve.



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Assistant Commandant  
of the Marine Corps

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## DEFINITIONS

For the purpose of this Order, the following definitions apply:

a. Marine Corps intelligence components are those elements of USMC organizations, staffs, and offices that collect, process, retain, or disseminate intelligence (all disciplines) or counterintelligence information.

b. Questionable activity is any conduct by or related to an intelligence organization that may violate U.S. Law, Executive Order, Presidential Directive, DoD Directive, or Service Order.

c. A United States person is:

(1) A citizen of the United States.

(2) An alien known by the intelligence agency concerned to be a permanent resident alien.

(3) An unincorporated association organized in the United States or substantially composed of U.S. citizens or permanent resident aliens.

(4) A corporation incorporated in the U.S., except for a corporation directed and controlled by a foreign government or governments.

d. Special activities or "covert actions" are those activities conducted in support of national foreign policy abroad which are planned and executed so that the role of the U.S. Government is not apparent or publicly acknowledged. Furthermore, special activities are not intended to influence U.S. political processes, public opinion, policies, or the media. By definition, diplomatic activities and the collection and production of intelligence are not special activities.

ENCLOSURE (1)

#### PROCEDURES FOR REPORTING QUESTIONABLE ACTIVITIES

1. The primary means for reporting questionable activities, as defined in this Order, will be via request mast procedures. Civilian personnel will immediately inform their supervisors of a suspected questionable activity. If the supervisor/commanding officer is "involved" in the allegation, the supervisor/commanding officer next higher in the chain of command will be informed. The supervisor/commanding officer must expedite the handling of the allegation. As the supervisor/commanding officer pursues the allegation that official should inform the appropriate intelligence, counterintelligence, and/or legal agencies and seek their assistance.

2. The Marine Corps Hotline Program can also be used to report questionable activities. The DNIGMC/IGMC will coordinate with the Director, Intelligence Division, HQMC, the Counsel for the Commandant, and the Staff Judge Advocate to the Commandant to determine the validity of the allegation. If appropriate, an investigation will be initiated. The DNIGMC/IGMC will maintain overall responsibility for the conduct of the investigation.

ENCLOSURE (2)

SAMPLE QUARTERLY INTELLIGENCE OVERSIGHT REPORT

From: Commanding General, \_\_\_\_\_  
To: Commandant of the Marine Corps (IGMC)  
  
Subj: CONSOLIDATED QUARTERLY INTELLIGENCE OVERSIGHT REPORT FOR  
\_\_\_\_\_ QTR, FY 19\_\_  
  
Ref: (a) SECNAVINST 3820.3D  
(b) MCO 3800.2A

1. Per references (a) and (b), the following is provided:

a. Narrative:

(1) Address any intelligence or counterintelligence activity reasonably believed to be illegal, improper, or contrary to applicable law, statutes, directives, and/or policies, and corrective action taken, or

(2) That reports no violations occurred during this reporting period.

b. Significant intelligence oversight activities undertaken during this quarter. (Training accomplished, inspections conducted, indoctrination conducted, etc.)

c. Significant intelligence oversight activities planned next quarter.

2. Suggestions for improving the intelligence oversight system.

3. POC is \_\_\_\_\_.

SIGNATURE

ENCLOSURE (3)